THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 17506 of 2007

Date: 20.08.2007

Between:

S. Munthaz.

..... PETITIONER

AND

The Excise Superintendent, Kadapa,
Kadapa District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 17506 of 2007

Order:

The petitioner, who is the wife of respondent No.3 herein, has filed the present writ petition seeking to direct respondent Nos.1 and 2 to withhold the pensionary benefits of respondent No.3 on the ground that he neglected to maintain her and her children.

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

A reading of the averments made in the affidavit filed in support of the writ petition, would disclose that there are some disputes between the petitioner and respondent No.3 with regard to non-payment of some maintenance amount as per the agreement dated 16.09.2006, said to have been executed by respondent No.3 in favour of the petitioner. It is not known whether the said agreement is binding on the parties. At any rate, since the writ petition raises disputed questions of fact, the same cannot be gone into by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, and the remedy of the petitioner, if any, is to approach the competent Civil Court. Hence, no direction can be given to respondent Nos.1 and 2 to withhold the pensionary benefits of her husband i.e., respondent No.3 herein on the ground that he neglected to maintain her and her children.

I see no merit in the writ petition and the same is accordingly dismissed. However, the petitioner is at liberty to avail the alternative remedies available to her under law. No costs.

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N.V. RAMANA, J.

Date: 20.08.2007
Nsr